

# Civil Service Conciliation and Arbitration Scheme

## General Council Report 1382

(Meeting/s of 24 September 1997, 26 November 1997, 27 October 1999, 25 April 2001)

Claim that normal incremental credit on the higher scale be granted to an officer who is more than 12 months on acting up duties

1. The claim was that where officers were assigned to carry out the duties of a higher grade and where that assignment lasted for more than 12 months, the officer should get normal incremental credit on the higher scale.
2. The Staff Side referred to the existing arrangements concerning the payment of allowances for higher duties under which the allowance is calculated by reference to starting pay on promotion rules. They said the purpose of the acting up arrangements is to provide that an officer carrying out the higher duties is paid the same amount as if he/she had been promoted to the higher grade. The only exception is where the officer does not have the required service for promotion to the higher grade. While this procedure is satisfactory for short term (less than 12 months) assignments, it is not satisfactory where the higher duties appointment lasted for a longer term (in excess of 12 months).
3. The Staff Side said that they were particularly concerned about the implications of longer term assignments under the current arrangements where persons being assigned to higher duties were no longer receiving annual increments in their substantive grade because they were either on the scale maximum or a long service increment point. They were also concerned about situations where the most favourable starting pay on promotion was the minimum point of the higher scale. If officers in either of these situations were assigned to higher duties, they could find themselves on the same level of pay for as long as the assignment lasted. This was unfair in the case of longer term assignments as it did not recognise the experience they acquired in the higher post. It also acted as a disincentive to people to accept higher duties assignments.
4. The Official Side pointed out that the current rules were designed to ensure that persons assigned to higher duties did not benefit more than those who had been substantively promoted. This was an important principle which should not be undermined. There would always be situations where sound management practice indicated that a post should be filled on a higher duties basis rather than by a

definitive promotion e.g. in the case of temporary vacancies. However, the Official Side indicated that it would be prepared to discuss ways of meeting the Staff Side's concerns.

5. Discussions continued outside Council in an ad hoc working group. The group met on a number of occasions and reached agreement on revised arrangements which are set out in the Appendix to this Agreed Report.

6. At General Council on 25 April 2001, the Staff Side confirmed that the arrangements in the Appendix were in full and final settlement of their claim and that they would not be used as a basis for any other claim including claims on grounds of alleged anomalies arising from changes in the relative position of persons substantively promoted compared to persons benefiting from the revised arrangements now being introduced.

7. It was agreed that the revised arrangements would take effect from 1 January 1998. In the case of an officer in receipt of a higher duties allowance on that date who is covered by paragraph 1 of the appendix to this report, the allowance payable will be reviewed by reference to the revised arrangements. Where an adjustment to the allowance being paid on 1 January 1998 arises, the adjusted amount will be paid with effect from that date.

8. At the meeting on 25 April 2001, the Council agreed to recommend acceptance of the revised arrangements.

9. This Report accordingly records such agreement.

10. This Report was adopted on 25 April 2001.

## **Appendix to Agreed Report No. 1382**

### **Revised arrangements for the calculation of higher duties allowances in certain cases**

1. The existing arrangements for the calculation of higher duties allowances may be modified in the following situations:

- where the person is on the maximum, 1st long service increment or 2nd long service increment of their substantive grade or

- the person is "acting up" in a higher grade the minimum scale point of which exceeds the maximum of the scale of their substantive grade such that, if the person were promoted, the most favourable starting pay on promotion would be the minimum of the scale of the higher grade and

any increments they may receive in their substantive scale would not result in an increase in total remuneration.

2. The purpose of the revised arrangements set out below is, for a period of two years plus any initial accrual period where applicable, to treat a person assigned to higher duties as if s/he had been promoted.

a) The initial method of calculating the allowance paid on assignment to higher duties will remain unchanged i.e. it will be calculated by reference to the normal starting pay on promotion rules.

b) Where this calculation results in an allowance which brings the officer's total remuneration to the equivalent of an off-scale point on the scale of the higher grade, the allowance shall be increased such that total remuneration corresponds with the next point on the scale of the higher grade, when the necessary accrual period has passed.

c) On the first anniversary of the date of assignment to higher duties, or on the anniversary of the accrual date where (b) above applies, the allowance should be increased such that total remuneration corresponds to the following incremental point on the scale of the higher grade.

d) On the second anniversary of the date of assignment to higher duties, or of the accrual date, as the case may be, the allowance should be increased so that total remuneration corresponds with a further incremental point on the higher scale.

(e) No further adjustments should be made to the allowance even if the assignment continues for a further period.

3. In cases where the foregoing arrangements apply if, following assignment to higher duties, an increment is awarded on the substantive scale, total remuneration shall be capped by reference to the arrangements at paragraph 2.

4. In the case of officers who are assigned to higher duties and who are not covered by paragraph 1, the current arrangements will continue i.e. the allowance will be recalculated on the date of the increment in the substantive grade by reference to starting pay on promotion rules. The terms of General Council Report No. 1113 will also apply where relevant.

5. If an officer is promoted while in receipt of an allowance for higher duties:

(a) The officer's starting pay on promotion will be the more favourable of

(i) starting pay calculated in accordance with normal arrangements or

(ii) the equivalent of her/his total remuneration i.e. salary plus allowance, on the

date of promotion. In this case, mark time provisions would not apply and the date of promotion (or accrual date if such applies) becomes the officer's new incremental date.

(b) There may be situations where the combination of an officer's salary on his substantive scale and the higher duties allowance calculated in accordance with paragraphs 2, 3 or 4 above gives rise to a total figure which is equivalent to, or greater than, the normal maximum point (i.e. exclusive of long service increments) of the higher scale. If an officer in this situation is promoted, the period of time during which s/he was in receipt of total remuneration equivalent to, or in excess of, the normal maximum point may be taken into account in calculating the service required to qualify for long service increments on the higher scale.

Recording Agreement.

This report was adopted on 25 April 2001